

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. 04-00210-01-JTM
)
LISA M. MONTGOMERY,)
)
 Defendant.)

MOTION OF THE UNITED STATES FOR
PRETRIAL DETENTION AND A HEARING PURSUANT
TO TITLE 18, UNITED STATES CODE, SECTION 3142(f)

Comes now the United States of America, by Todd P. Graves,
United States Attorney, and the undersigned Assistant United
States Attorney, both for the Western District of Missouri, and
hereby moves the Court to hold a hearing pursuant to Title 18,
United States Code, Section 3142(f), for the purpose of
demonstrating that no condition or combination of conditions of
release will reasonably assure the defendant's appearance as
required by the Court and the safety of other persons and the
community and thereafter detain defendant without bail pending
trial of this matter.

Supporting Suggestions

1. Subsection 3142(f), Title 18, United States Code,
provides that a hearing must be held by the appropriate judicial
officer to determine whether any condition or combination of
conditions will reasonably assure the defendant's appearance and
the safety of any other person in the community if the attorney

for the Government moves for such a hearing and if the case is in any one of the following categories:

A. The case involves a crime of violence, a term defined to include either:

(1) An offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

(2) Any other offense that is a felony and by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of its commission.

B. The case involves an offense where the maximum sentence is life imprisonment or death.

C. The case is a narcotics case under Title 21, United States Code, for which imprisonment for ten years or more is prescribed.

D. Any felony, even a non-violent felony not involving drugs, if the person already has two or more convictions for a crime of violence, a crime punishable by life imprisonment, or a ten-year drug felony.

2. The statute recognizes two additional situations which allow for a detention hearing and which can be raised either by the attorney for the Government or by a judicial officer. These conditions are:

A. When there is a serious risk that the defendant will flee; or

B. When there is a serious risk that the person will "obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror."

3. One or more grounds for pretrial detention and a pretrial detention hearing as set forth by the statute exists in the above cause, to wit: this case involves an act of extreme violence which resulted in the death of Bobbie Jo Stinnett and the kidnapping of the victim's baby girl, Victoria Jo Stinnett. Further, defendant is now charged with the offense of kidnapping resulting in death which carries a maximum sentence of life without parole or death.

WHEREFORE, the Government respectfully requests that this Honorable Court set a detention hearing to demonstrate that no condition or combination of conditions will reasonably assure the

defendant's appearance as required by the court and the safety of other persons and the community and thereafter detain defendant without bail pending trial of this matter.

Respectfully submitted,

Todd P. Graves
United States Attorney

By */s/ Matt J. Whitworth*

Matt J. Whitworth #33322
Deputy United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing will be hand-delivered to the defendant at the Office of the United States Marshals Office, 400 East Ninth Street, Kansas City, Missouri 64106.

/s/ Matt J. Whitworth

Matt J. Whitworth
Deputy United States Attorney